

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Harald Fonfara et al.)	Examiner: Not Yet Known
)	
Serial No.: 10/566,797)	
)	Group Art Unit: Not Yet Known
Filed: January 30, 2006)	
)	
FOR: COOLING DEVICE FOR AN)	
ELECTRONIC COMPONENT,)	Confirmation No.: 8978
ESPECIALLY FOR A)	
<u>MICRO-PROCESSOR</u>)	

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Commissioner for Patents
Office of PCT Legal Administration
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Alexandria, Virginia 22313-1450

RESPONSE TO COMMUNICATION MAILED FEBRUARY 26, 2007

This paper is submitted in response to the Communication mailed February 26, 2007 (the "Communication") in the above-identified application.

The Communication indicates that the executed declaration filed in the above-identified application on November 21, 2006 (the "November 21, 2006 Declaration"), is not compliant with 37 C.F.R. 1.497 in that it does not include an English translation of the title. Enclosed with this response is a copy of a declaration and power of attorney form fully executed by the inventors.

The German language title appearing in the enclosed declaration "KÜHLVORRICHTUNG FÜR EIN ELEKTRONISCHES BAUELEMENT, INSBESONDERE FÜR EINEN

1 MIKROPROZESSOR” translates to English as “COOLING DEVICE FOR AN ELECTRONIC
2 COMPONENT, ESPECIALLY FOR A MICROPROCESSOR.” This is an accurate English
3 translation of the title of the invention appearing in the enclosed declaration.
4

5 Although the Applicants submit with this response an executed declaration and power of
6 attorney form together with the above statement regarding the English translation of the
7 invention title appearing in the declaration and power of attorney form in compliance with the
8 Communication, the Applicants also respectfully submit that the November 21, 2006 Declaration
9 is fully compliant with 37 C.F.R. § 1.497, and is also fully compliant with 37 C.F.R. §1.69 and
10 MPEP §602.06 which were also cited in the Communication.

11 37 C.F.R. §1.69(b) very clearly sets forth the instance in which an English translation of a
12 declaration is required.

13 (b) Unless the text of any oath or declaration in a language other than English is
14 in a form provided by the Patent and Trademark Office or in accordance with PCT
15 Rule 4.17(iv), it must be accompanied by an English translation together with a
16 statement that the translation is accurate, except that in the case of an oath or
17 declaration filed under § 1.63, the translation may be filed in the Office no later
18 than two months from the date applicant is notified to file the translation. (37
19 C.F.R. §1.69(b), emphasis added)

20 In view of the underlined qualifying language set out in the above quote, the requirement of an
21 English translation only applies if the declaration is not in a form provided by the USPTO. In
22 other words, 37 C.F.R. §1.69(b) does not require a translation of a foreign language declaration
23 where the declaration is in a USPTO provided form. There is simply nothing in 37 C.F.R. §1.69

1 that requires an English translation of the title of the invention, where the declaration is in a
2 USPTO provided form.

3 In the present case, the November 21, 2006 Declaration comprises USPTO form
4 PTO/SB/103 (8-96) together with a continuation sheet for additional inventors, all properly filled
5 out with the required information and properly executed by all of the inventors. Because the
6 November 21, 2006 Declaration comprises a USPTO provided form, 37 C.F.R. §1.69(b) does not
7 require an English translation of the November 21, 2006 Declaration.

8 The November 21, 2006 Declaration also complies fully with 37 C.F.R. §1.497 in that it:

- 9 (1) is executed in accordance with 37 C.F.R. §1.68;
10 (2) identifies the specification to which it is directed, namely PCT/DE2004/001361;
11 (3) identifies each inventor and the country of citizenship of each inventor;
12 (4) states that the person making the declaration believes the named inventors to be the
13 original and first inventors of the subject matter which is claimed and for which a patent
14 is sought;
15 (5) is made by all of the actual inventors; and
16 (6) meets the requirements of 37 C.F.R. §1.63.

1 For all of the above reasons, the Applicants respectfully submit that the November 21,
2 2006 Declaration is fully compliant with 37 C.F.R. §1.497 and 37 C.F.R. §1.69, and therefor
3 request that the objection to the November 21, 2006 Declaration set out in the Communication be
4 withdrawn.

5 Respectfully submitted,

6
7 The Culbertson Group, P.C.
8

9
10 Dated: 21 March 2007

By: 

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